

EEOC Form 5 (11/09)

<b>CHARGE OF DISCRIMINATION</b> <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To:      Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA  <input checked="" type="checkbox"/> EEOC         </div> <div style="text-align: right;"> <b>438-2022-01532</b> </div> </div>	
<b>Virginia Office of Civil Rights</b> and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) <b>Ms. Mary Lynn Shumate</b>		Home Phone (Incl. Area Code)      Date of Birth <div style="display: flex; justify-content: space-between;"> <div style="width: 150px; height: 20px; background-color: black;"></div> <div style="width: 100px; height: 20px; background-color: black;"></div> </div>	
Street Address <div style="height: 20px; background-color: black;"></div>		City, State and ZIP Code <div style="height: 20px; background-color: black;"></div>	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>City of Lynchburg/Lynchburg Fire Department</b>		No. Employees, Members      Phone No. (Include Area Code) <div style="display: flex; justify-content: space-between;"> <div><b>100+</b></div> <div style="width: 100px; height: 20px; background-color: black;"></div> </div>	
Street Address <b>900 Church Street</b>		City, State and ZIP Code <b>Lynchburg, VA 24504</b>	
Name		No. Employees, Members      Phone No. (Include Area Code)	
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap; justify-content: space-between;"> <div><input type="checkbox"/> RACE</div> <div><input type="checkbox"/> COLOR</div> <div><input checked="" type="checkbox"/> SEX</div> <div><input type="checkbox"/> RELIGION</div> <div><input type="checkbox"/> NATIONAL ORIGIN</div> <div><input checked="" type="checkbox"/> RETALIATION</div> <div><input type="checkbox"/> AGE</div> <div><input type="checkbox"/> DISABILITY</div> <div><input type="checkbox"/> GENETIC INFORMATION</div> <div><input checked="" type="checkbox"/> OTHER (Specify) <b>Virginia Values Act and others</b></div> </div>		DATE(S) DISCRIMINATION TOOK PLACE Earliest      Latest <div style="display: flex; justify-content: space-between;"> <div><b>2015</b></div> <div><b>present</b></div> </div> <div style="margin-top: 10px;"> <input checked="" type="checkbox"/> CONTINUING ACTION         </div>	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>Ms. Mary Lynn Shumate was employed with the City of Lynchburg/Lynchburg Fire Department ("City") as a Master Firefighter until her unlawful demotion to Firefighter/ALS on or about January 7, 2022. Ms. Shumate was first hired as a firefighter with the City in August of 2007 before climbing the ranks to Master Firefighter. Ms. Shumate was promoted to Mater Firefighter in July of 2019. Ms. Shumate identifies her sex/gender as female. Ms. Shumate's demotion corresponded with a reduction in salary and supervisory authority.</p> <p>In or about 2017, Ms. Shumate complained about Captain David Jackson's discriminatory treatment towards her based on her sex/gender. As a result, Ms. Shumate was transferred to another firehouse.</p> <p>In June of 2021, Ms. Shumate complained to Capt. Campbell and Battalion Chief ("BC") Mike Reeves (male) that BC Reeves and Captain Candice Brown (female) were creating a hostile work environment, based in part on her gender. BC Reeves communicated to Deputy Chief ("DC") Jonathan Wright (male) that Ms. Shumate had complained of a hostile work environment ("HWE"). DC Wright tasked BC Reeves to investigate Ms. Shumate's complaints of a hostile work environment, despite Ms. Shumate making accusations, in part, against BC Reeves. Some time later, DC Wright tasked an outside investigator, Randy Trent, to investigate Ms. Shumate's complaints. Upon information and belief, DC Wright only took the action of hiring Mr. Trent after the insistence of the City's HR Department. At no time were BC Reeves or Capt. Brown placed on administrative leave.</p> <p>In August of 2021, Ms. Shumate complained "formally" to Mr. Trent and the City's Director of Human Resources, Michelle Jackson, about BC Reeves and Capt. Brown creating a hostile work</p>			

On May 16, 2022, Ms. Shumate was informed that she would be scheduled to ride Engine 2, rather than Engine 4. BC Reeves or Sean Regan schedules all firefighters and EMS personnel under him. Ms. Shumate's original fire station had the minimum number of staff members for the station to be "fully operational." The City's typical practice is that if an individual is to be moved to a different station, it must occur with sufficient notice for that individual to report to the new fire station by 7:30AM.

On or about May 17, 2022, BC Reeves reassigned Ms. Shumate to a different fire station with insufficient notice to report by 7:30AM. Ms. Shumate was assigned to Medic Unit 7, while another individual at Ms. Shumate's original station was assigned to her original spot on Engine 4 at her original station. Put another way, by moving Ms. Shumate to the new station, the staffing level at her original station dropped below the minimum needed to operation the station. Further, it is common knowledge that Medic Unit 7 is an "undesirable" assignment. Indeed, a man with similar qualifications as Ms. Shumate had not been assigned to Medic Unit 7 in quite some time, despite the ability of BC Reeves to assign this man to Medic Unit 7.

On or about May 28, 2022, Ms. Shumate's schedule, again, was created in a retaliatory manner in contravention of City and Fire Department policies and norms.

Due to the acts and omissions of the City, Ms. Shumate was discriminated and retaliated, and the City and its employees created and promoted a hostile work environment, against Ms. Shumate in violation of Title VII of the Civil Rights Act of 1991, as amended at 42 U.S.C. §§ 2000e *et seq.*, and, while noted by Ms. Shumate that these are not laws enforced by the EEOC, 42 U.S.C. § 1983 ("Section 1983"), the Virginia Values Act (Va. Code Ann. §§ 2.2-3900 *et seq* and 15.2-1500.1), and Virginia whistleblower law (Va. Code Ann. § 40.1-27.3).

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

05/26/2022

Date

*Mary L Shumate*  
Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

*Vicki Lynn Overstreet*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

*Mary L Shumate*

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

May 26, 2022

